IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24688 of 2004

Between:

1. The Regional Manager, APSRTC., Krishna Region, Vijayawada, Krishna District

2. The Depot Manager, APSRTC., Governorpet, II Depot, Vijayawada, Krishna District

..... PETITIONERS

AND

1. K.Rajababu, Assistant Depot Clerk, APSRTC, 4-223-4/2A, Samudralavari st, Lambadipet Opp. Sairam Theatre,

Vijayawada, Krishna District

2 The Labour Court, Guntur, rep by Presiding Officer

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to docket order dated 28-10-2004 in MP No. 113 of 2000 on the file of Labour Court Guntur, and quash the same as arbitrary illegal.

Counsel for the Petitioner:MR.R.MANMADHA REDDY

Counsel for the Respondent No.1: MR .G.VIDYA SAGAR

Counsel for the Respondent No.2: GP FOR LABOUR

The Court at the admission stage made the following O R D E R:

Challenging the docket order dated 28.10.2004 passed in M.P.No.113 of 2000 on the file of the Labour Court, Guntur, the present writ petition is filed.

Learned counsel appearing for the petitioner-Corporation contended that the Court below without assigning any reasons passed the impugned order and, therefore, it is liable to be set aside.

Learned counsel appearing for the first respondent opposed the same and contended that as per the award, the petitioner is entitled for the benefits.

The docket order passed by the Court below reads as under:

> "Heard both sides.
>
> The decision of the Supreme Court in APSRTC AND ANOTHER VS. NARSA GOUD (2003(I) LLJ SC, 816) has no application to the present case. Hence, the respondents are directed to fix the pay of the petitioner giving notional increments from the date of removal till the date of reinstatement. Arrears of pay shall be paid to the petitioner within two months.
>
> For payment Call on 10.01.2005."

That a reading of the above docket order would go to show that the learned Judge has not assigned any reasons as to how the petitioner is entitled for notional increments. There cannot be any dispute that the Tribunal is expected to record

reasons while passing the order. As the learned Judge passed the impugned order without assigning any reasons, the order under challenge suffers from serious legal infirmities and is liable to be set aside.

In the result, the writ petition is allowed and the matter is remitted to the second respondent with a direction to dispose of M.P.No. 113 of 2000 on merits, after affording opportunity to both the parties, within a period of two months from the date of receipt of a copy of this order. No costs.

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(K.C.BHANU,J)

Dt:22.03.2005

usd

To

1. The Presiding Officer, Labour Court, Guntur,
2. Two CCs to G.P. for Labour, High Court of A.P., Hyderabad. (OUT)
3. Two CD copies.

*Form-NIC-OGS/WP{**BJPR**}*